IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Crl.MC.No. 2224 of 2007()

CRIME NO.221/06 OF CHAKKARAKKAL POLICE STATION
CMP.7/2007 of CHIEF JUDITIAL MAGISTRATE COURT, THALASSERY

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PETITIONER:

N.M. NAVAS, S/O. MAJEED,
AGED 28 YEARS, RESIDING AT N.M. HOUSE,
P.O. KATTAMPALLY, KOTTAMUKKU, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. S.H.O. CHAKKARAKKAL POLICE STATION,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2224 of 2007

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Dated this the 11th day of July, 2007

O R D E R

The petitioner is aggrieved by the direction in Annex.A4 order passed under Section 451 Cr.P.C. in respect of release of a vehicle on condition of the petitioner "executing kychit for Rs.50,000/- with two solvent sureties each for the like sum and on production of their original title deeds and solvency certificate for Rs.50,000/- each."

2. The learned counsel for the petitioner submits that insistence that the sureties must produce both their title deeds as also solvency certificate is on the face of it unfair and unjust. It is not necessary to insist on both these sets of documents, at any rate.

3. I find merit in that submission of the learned counsel for the petitioner. I am at a loss to understand why such insistence should at all be made by the learned Magistrate. I take note of the fact that the petitioner was compelled to come to this court again seeking relief in respect of the vehicle. In these circumstances, I am satisfied that appropriate directions can be issued.

4. This Crl.M.C. is allowed. It is directed that the learned Magistrate need only insist that the sureties must produce either the

original title deeds or the solvency certificate and should not and need not insist on production of both. The learned counsel for the petitioner submits that already solvency certificate of the sureties as directed has been produced. If that be so, I direct the learned Magistrate to ensure that the needful is done and compliance is reported to this Court forthwith.

5. Call again on 23.7.2007. The Registry shall ensure that the compliance report is received from the learned Magistrate by then.

(R. BASANT)
Judge

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